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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/060,343	04/14/1998	JAMES J. LEFTWICH	14774-82-1	9495

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VU, NGOC K

ART UNIT	PAPER NUMBER
2611	#19

DATE MAILED: 12/18/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/060,343	LEFTWICH, JAMES
	<b>Examiner</b>	<b>Art Unit</b>
	Ngoc K. Vu	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 05 October 2001.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-4, 6-12, 14-21 and 24-31 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 6-12, 14-21 and 24-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

***Response to Arguments***

1. Applicant's arguments filed October 5, 2001 have been fully considered but they are not persuasive.
2. Applicant argued on page 2, second paragraph, that all of the claims are limited to filters including a list of program/event entries, these are not criteria as disclosed in Watts. Examiner disagrees.

Claim 1 calls for "a method for managing program listings comprising: storing a database of available program listings comprising a plurality of program/event entries; utilizing a first filter, which selects a subset of programs to generate an electronic program guide displaying program listings included in said subset, wherein the filter comprises a list of program/event entries". In applying to claim 1, Watts discloses a method for executing the program for searching the visual programming database, wherein the program searches through a database comprising a programming schedule. When the program is executed, a TV browser is displayed on screen. One type of search includes "days of the week" search criteria. Within the search criterion of "day of week" includes the sub-criterion of Sunday, Monday, Tuesday...Saturday as shown in FIG. 2. The element "a first filter" reads as the search criterion of "Day of Week" which selects sub-criterion (a subset of programs) displaying in TV browser (electronic program guide), wherein "the filter" comprises a list of programs/event entries (a list of visual programs of desired criteria). For instance, when the user has selected the desired search criteria/sub-criteria, then a list of visual programs satisfying the desired criteria is displayed on the TV browser (see col. 3, page 13-20; 44-55; col. 4, lines 52-59).

Thus, the features of the search criteria are filters comprising lists of program/event entries were taught by Watts.

It is noted that claim 17 including features combination of claims 1 and 2 with further limitation of "some of the programs in the first subset are different form the programs of the second subset" as recited in claim 9. See the interpretation of claims rejection below.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-4, 6-12, 14-21 and 24-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Watts et al (US 5,671,411).

Regarding claims 1, 2, 9, 10 and 17, Watts discloses a method and apparatus for managing program listings comprises a memory (database) storing a database available program listing comprising a plurality of program/event entries, a memory (database) storing a first filter and a memory storing a second filter including list of program/event entries (list of visual programs of desired criteria); utilizing the first and second filters for select the first and second subset of programs (first filtering includes a list of criteria from Sunday to Saturday in criteria Day of Week, and second filtering includes a list criteria such as News, Movie..etc..in criteria Special Criteria, for instance); a processor (processor in system 10 comprises programming executing for search through database of programming schedule to determine the program matching the desired criteria displayed in TV browser) which selects the first subset of programs according to the first filter and the second subset of programs according to the second filter to generate an schedule guide displaying program listings (generates the list and shows it on display

area 46 when user clicks on update list after completing the selection) included in the first subset and the second subset. Further regarding claims 9 and 17, wherein some of the programs in the first subset are different from the programs of the second subset, some of the programs in the second subset are different from the programs of the first subset (for instance, some programs are News and Movie in Special Criteria scheduled on Tuesday in Day of Week criteria) - (col. 1, lines 25-32; col. 2, lines 43-45; col. 3, lines 28-40; col. 4, lines 21-45).

Regarding claim 3 and 11, Watts discloses that at least some of the programs of the first subset are the same as at least some of the program of the second subset (for instance, some programs of news of Special Criteria are included in Tuesday schedule of Day of Week criteria); generate an EPG displaying program included in both first and second subsets (FIG. 2, 4; col. 4, lines 8-39).

Regarding claims 4 and 12, Watts discloses creating a filter utilizing of list of programs in the program database (col. 1, lines 35-39).

Claim 6 and 14 merely require the listing under Tuesday in FIG. 2 to "intersect" or overlap in some manner the total entries in the database used to populate the EGP. Clearly, the listing under any sub-criteria of Day of Week would "intersect" the total programs in the database since they are clearly a subset of the total programs in the database.

Regarding claims 28-29, Watts discloses the first and second lists of program/event entries is not provided with the program listings (col. 3, lines 29-39)

Claims 7 and 15 follow from the discussion with respect to claims 6 and 14, the programs identified under Tuesday are a "proper subset" of the total programs in the

database since one can filter the database using the Day of Week and get a listing of the "proper" day therein.

Regarding claims 18 and 19, Watts discloses the EPG included all of the programs in first subset and all of the programs included in the second subset, wherein at least some of the programs in the first and second subsets are the same, wherein the first and second lists of program/event entries intersect. The listing under Tuesday in FIG. 2 to "intersect" or overlap in some manner the total entries in the database used to populate the EGP. Clearly, the listing under any sub-criteria of Day of Week would "intersect" the total programs in the database since they are clearly a subset of the total programs in the database (FIG. 2, col. 4, lines 46-65).

Regarding claim 26, Watts discloses the filters are editable filters (search criteria is selected and dragged into the second portion 42 as Your Selection) (col. 4, lines 8-21).

Regarding claims 20-21, Watts discloses an interactive filter selective mechanism of available program listings, comprising a database of available program listings comprising a plurality of program/event entries; a plurality of program/event sources (stations include all the available calling codes of the television stations broadcast); utilizing the first and second filters for select the first and second subset of programs (first filtering includes a list of criteria from Sunday to Saturday in criteria Day of Week, and second filtering includes a list criteria such as News, Movie..etc..in criteria Special Criteria, for instance); a processor which selects the first subset of programs according to the first filter and the second subset of programs according to the second filter to generate an schedule guide displaying program listings (generates the list and

shows it on display area 46 when user clicks on update list after completing the selection) included in the first subset and the second subset.

Regarding claim 27, Watts discloses the filters are editable filters (search criteria is selected and dragged into the second portion 42 as Your Selection) (col. 4, lines 8-21).

Regarding claim 31, Watts discloses the first and second lists of program/event entries is not provided with the program listings (col. 3, lines 29-39).

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-746-5967 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

NV  
December 3, 2001

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600